



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,619	10/14/2003	PERRY GARTNER	P03-248-GAR	2618
27107	7590	07/28/2005		EXAMINER
RICHARD A. JOEL ESQ. 496 KINDERKAMACK ROAD ORADELL, NJ 07649			CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,619	GARTNER, PERRY	
	Examiner	Art Unit	
	Randall Chin	1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2005 and 21 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 3-11 is/are pending in the application.
 - 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-7 and 9-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: the Replacement Sheet filed 07212005 is approved.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Confusion arises with the recitation "circular internally threaded inner portion 22" (paragraph [0020]) and "externally threaded portion 22" (paragraph [0022]).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims are 1, 3-7 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 6, the recitation of "a solid handle portion having a ball at one end" makes the scope of the claims vague and indefinite since it is not exactly clear what Applicant is intending this "solid handle portion" to be. For example, viewing Fig. 1, element 28 is referred to in the specification as a **solid** base and element 29 is referred to as a **solid** portion. The claim language is confusing because it has never been disclosed that handle 26 is solid since handle 26 includes an internally threaded recess 37 as shown in Fig. 1 (which would be hollow). The handle portion 26 cannot really be considered **solid** if there is an internally threaded recess 37 at one end (Fig. 1). Clarification is respectfully requested. **The same objection holds for claim 11, line 6, with respect to "a solid handle portion".**

A similar objection also arises in claim 4 since claim 4 recites “the ball at **one end of the handle portion** comprises a **ball integrally mounted to the solid handle portion**” (emphasis added). So, is the “solid handle portion” of claim 1 and claim 4 referring to simply the “solid base 28” (see Fig. 1)? Therefore, it is unclear what the “solid handle portion” is referring to.

Claim 6, “the upwardly extending threaded portion” (line 3) and “the threaded portion” (lines 4-5) lack proper antecedent basis.

Claim 7, line 3, “ a threaded recess at the end thereof” appears redundant of “an internally threaded surface” (lines 6-7 of claim 1). **Applicant is again reminded of using consistent terminology for clarity throughout the disclosure.**

Claim 8, although non-elected and withdrawn, line 1, “paint tool” should read – painting tool--.

Claim 10, line 2, “the upwardly extending portion” lacks proper antecedent basis.

Claim 11, line 5, after “therein”, insert --;--.

Appropriate correction is required.

Allowable Subject Matter

3. Claims 3 and 11 appears to define allowable subject matter.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


R. Chin



Randall Chin
Primary Examiner
Art Unit 1744

BEST AVAILABLE COPY

JUL-21-2005 (THU) 11:05

P. 003/004

REPLACEMENT - 10/605,619
SHEET

REPLACEMENT - 10/605,619

Opposite

FIG 1

